

REMARKS

Claims 1 through 59 are in the application, with Claims 1, 7, 11, 15 and 20 being independent.

The pending claims are subject to a restriction requirement. In particular, the Office Action groups the claims into Claims 1-33, 35-56 and 58 (Group I), and Claims 34, 57 and 59 (Group II). Election of one of these Groups is required because the Groups are alleged to be distinct.

In response to the restriction requirement, Applicants provisionally elect Group I, Claims 1-33, 35-56 and 58. Examination and allowance of the elected claims are respectfully requested.

This provisional election is made with traverse. Applicants request reconsideration of the restriction requirement in light of the following arguments, and pursuant to 37 CFR §1.143. As grounds for traversal, Applicants believe that Groups I and II are related.

As stated in the Office Action, inventions are unrelated if **they are not disclosed as capable of use together and** they have different modes of operation, different functions or different effects. The Office Action addresses the second prong of the above test (i.e., the modes, functions and effects prong), but does not address the first prong indicated by bold type above. In this regard, the inventions of each Group are disclosed as capable of use together and therefore cannot be considered unrelated under M.P.E.P. § 806.04.

More particularly, the Group I claims relate to processes that are disclosed in the present application as being performed by, for example, store server 200. Consumer devices 300 to 302 interact with store server 200 during execution of these processes, and, in doing so, perform processes described by the Group II claims. The present specification therefore clearly indicates that the processes of the Group I and Group II claims may be executed by two parties to a same transaction. Accordingly, the Group I and Group II claims are disclosed as capable of use together and are not unrelated. Withdrawal of the restriction requirement is respectfully requested.


The Office Action also requires election of one of the species listed therein. In response, Applicants elect for prosecution Species 1b, including Claims 1, 2, 4, 5, 20, 21, 29 and 58.

CONCLUSION

If there remains any question regarding the present application, or if the Examiner has any suggestions for expediting allowance of the present application, the Examiner is cordially requested to contact the undersigned via telephone at (203) 972-0049.

Respectfully submitted,

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Date



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